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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,249	10/20/2003	James A. Vicendese	BBCI	3932
7590	11/28/2005	EXAMINER		
William S. Ramsey		NOVOSAD, JENNIFER ELEANORE		
5253 Even Star Place		ART UNIT		
Columbia, MD 21044		PAPER NUMBER		

3634

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,249

Applicant(s)

VICENDESE ET AL.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003 and 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-14, 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 8-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the election and amendment filed September 15, 2005, by which claims 5-7, 15, and 17-19 were canceled.

Election/Restriction

Applicant's election without traverse of species (i), i.e., Figure 1-6, and sub-species (a), i.e., Figures 7 and 8 in the reply filed on September 15, 2005 is acknowledged.

It is noted that in view of the amendment filed with the election, all claims pending are drawn to the elected species and sub-species.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is reminded of the proper content of an abstract of the disclosure. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Claim Objections

Claims 1 and 20 are objected to because of the following informalities: In line 5 of claims 1 and 20, --a-- should be inserted before "front side". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the bat support" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the cavity" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It is noted that claim 2 sets forth the cavity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 8, 9, 11, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,637,707 (Gates et al. '707) in view of U.S. Patent No. 2,779,114 (Orthwine '114).

Gates et al. '707 disclose a holder comprising a support plate (14) having a front and a back side, whereby the support plate (14) has a platform (28) on the front side with the plate (14) capable of attachment to a vertical surface through screws (20) that extend through holes (16) in

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the plate (14); an item support (34) having a front side and a back side; an item retainer (12) *capable of holding a trophy or baseball bat* attached to the front side of the item support (34) whereby the item retainer is a U-shaped arm; the item support (12) capable of removably mounting to the support plate (14) by interaction of the platform (28) with the item support (34); the item support (34) having a cavity (see Figure 5 - between 44 and 40) which interacts with the platform (28); the walls (see Figure 3) of the support platform (28) forming an acute angle with the support plate (14); the walls of the cavity (see Figure 5) are at an obtuse angle with the item support (34).

The claims differ from Gates et al. '707 in requiring a clip having a clasp defined by a front and rear wing (claim 14) at the top of the clip and a tab at the bottom whereby the clip is removably mounted by the tab to the top of an item support (claim 1).

Orthwine '114 teaches a clip having a clasp at the top defined by a front (16) and rear wing (10), and tab (20) on the bottom of the clip whereby the clip is removably mounted by the tab (20) on the top of a support (see Figure 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the holder of Gates et al. '707 and the clip of Orthwine '114 for increased organizational capabilities of the holder since information about what is held by the holder can be stored and viewed in the clip.

Claims 1, 2, 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,035,389 (Wang '389) in view of U.S. Patent No. 4,882,862 (Slavsky, Sr. '862).

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Wang '389 discloses a holder comprising a support plate (including 111", 114, and 11") having a front and a back side, whereby the support plate has a platform (10) on the front side with the plate capable of attachment to a vertical surface (see Figure 4) through screws (17) that extend through holes in the plate; an item support (23) having a front side and a back side; an item retainer (5) *capable of holding a trophy or baseball bat* attached to the front side of the item support (23); the item support (23) capable of removably mounting to the support plate by interaction of the platform (10) with the item support (23); the item support (23) having a cavity which interacts with the platform; the platform (10) being wider at the bottom of the platform than at the top and the cavity also being wider at the bottom than at the top.

The claims differ from Wang '389 in requiring a clip having a clasp defined by a front and rear wing (claim 14) at the top of the clip and a tab at the bottom whereby the clip is removably mounted by the tab to the top of an item support (claim 1).

Slavsky, Sr. '862 teaches a clip having a clasp at the top defined by a front (16) and rear wing (17), and tab (37) on the bottom of the clip whereby the clip is removably mounted by the tab (37) on the top of a support (12).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the holder of Wang '389 and the clip of Slavsky, Sr. '862 for increased organizational capabilities of the holder since information about what is held by the holder can be stored and viewed in the clip.

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Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

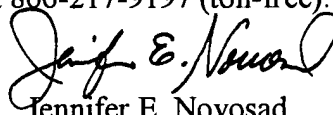
Claim 20 is allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer E. Novosad
Primary Examiner
Art Unit 3634

November 21, 2005